

Application No. 10/600,194
Response Dated: January 5, 2006
Reply to Office Action dated: October 5, 2005

REMARKS

In response to the Office Action dated October 5, 2005, Applicant respectfully requests reconsideration based on the above claim amendments and the following remarks. Applicant respectfully submits that the claims as presented are in condition for allowance.

Claims 1-26 are pending in the present Application. Claims 23-25 have been amended, leaving Claims 1-26 for consideration upon entry of the present amendments and following remarks.

No new matter has been introduced by these amendments. Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

Claim Objections

Claims 23-25 are objected to because of informalities. Particularly, Claims 23-25 recited "a third fixing protrusion" which has no antecedent basis. In response, Applicant hereinabove amends Claims 23-25 to provide proper antecedent basis. Reconsideration and withdrawal of the relevant claim objection is respectfully requested.

Claim Rejections under 35 USC § 103

Claims 18 and 19 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,217,190 to Altman et al. (hereinafter "Altman"). Applicant respectfully traverses.

For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art and that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d, 1016, 1023 (Fed. Cir. 1996).

Claim 18 recites, *inter alia*,

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an electrically conductive fixing member having a base substrate, a resilient fixing clip protruded from an upper surface of the base substrate so as to fix the lamp, and a fixing protrusion integrally formed with the base substrate so as to prevent the lamp from moving in a longitudinal direction of the lamp; and
a receiving receptacle having a receiving space in which the fixing member and the lamp coupled to the fixing member are received.

In the Office Action, the Examiner alleges that lamp holder 15, printed circuit board 27, lamp terminal 17, insulated lead wire 20, output inductors 28 and channels 14 of Altman discloses the conductive fixing member, base substrate, fixing clip, upper surface, fixing protrusion and receiving container of the claimed invention. Applicant respectfully disagrees.

Firstly, Altman discloses housing cover 8 includes lampholders 15 *integrally molded as part of the housing cover 8* and located in channels 14 to engage pins on a base of the fluorescent lamp 30. (Col. 3, lines 28-41.) The housing cover 8 includes mounting pockets 23 molded to the interior of the cover 8 to splice *external power lead wires 26* extending from a printed circuit board 27. (Col. 3, lines 58-65 and Figures 2, 5 and 6.) That is, the housing cover 8 (including the lampholders 15) is a separate element from the printed circuit board 27. The housing cover 8, let alone the lampholder 15 do not include the printed circuit board 27 in any manner. Altman does not disclose in any manner the lampholder 15 (considered the fixing member) having the printed circuit board (considered the base substrate). To the contrary, the cover 8/lampholder 15 and printed circuit board 27 are totally separated pieces, the printed circuit board 27 specifically disclosed as being *external* to the housing cover 8/lampholder 15. Therefore, Altman does not teach or suggest an electrically conductive fixing member having a base substrate of Claim 18.

Secondly, insulated lead wires 20 that may be attached to the printed circuit board 27 cannot be considered as disclosing an upper surface of the printed circuit board 27. The lead wires 20 are separate pieces that are soldered or otherwise joined to the printed circuit board 27. (Col. 5, lines 11-17.) That is, the lead wires 20 are not any *surface* of the circuit board 27. Necessarily then, lamp terminals 17 that may be crimped to lead wires 20 cannot be considered as disclosing protruded from an upper surface of the printed circuit board 27. Moreover, as shown in Figures 1, 7 and 8, the lamp terminals 17

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merely connect corresponding pins of multiple fluorescent lamps 30. That is, the lamp terminals 17 in no way "fix the lamp" as claimed and cannot be considered a resilient fixing clip of the claimed invention. Therefore, Altman does not teach or suggest a resilient fixing clip protruded from an upper surface of the base substrate so as to fix the lamp of Claim 18.

Thirdly, the printed circuit board 27 (considered the base substrate) includes larger electronic components of an electronic ballast including an output inductor 28. (Col. 4, lines 11-15.) These larger components are only positioned on the printed circuit board 27 such that they may be mounted in the larger enclosure sections 12 between the lampholders 15. (*Id.*) The output inductor 28 in no way prevents the lamp 30 from moving in a longitudinal direction as it is merely another component of a ballast best fitted on the printed circuit board 27 fitted in the housing areas 12. Applicant respectfully finds no disclosure as to how the output inductor 28 as a mere component of the ballast prevents the lamp 30 from moving.

Additionally, it is respectfully contended in the Office Action that the output inductor 28 (considered the fixing protrusion) is positioned between an end portion of the lamp and the sidewall of the channel 14 (considered the receiving receptacle) so as to prevent the lamp from moving towards the sidewall. The output inductor 28 is not positioned *between* an end portion of the lamp 30 and the sidewall of the channel 14. Figures 1 and 2 clearly show the output inductors 28 only between two sidewalls of the channel 14 as mounted in the larger enclosure sections 12 of the cover 8.

In this arrangement, the end of the lamp 30, sidewalls of the channel 14 and the output inductors 28 are extended in a *transverse* direction to the lamps. However, Claim 18 recites a fixing protrusion so as to prevent the lamp from moving in a longitudinal direction of the lamp, such that Applicant assumes that the sidewall of Altman being referred in the Office Action to may possibly be the end wall 84 (in a longitudinal direction of the lamp) of the troffer 80. In this case, the output inductor 28 is not disclosed being between an end portion of the lamp and the end wall 84. Figures 1 and 2 illustrate the output inductor 28 and end of the lamp essentially at the same position where the output inductor 28 cannot be considered *between* the lamp and the end wall 84.

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In either case, Applicant finds no disclosure as to how the output inductor 28 as a mere component of the ballast attached to the printed circuit board 27 prevents the lamp 30 from moving toward ends walls 84 of Altman. Therefore, the output inductors 28 do not prevent the lamp from moving in the longitudinal direction of the lamp as presently claimed. Therefore, Altman does not teach or suggest a fixing protrusion integrally formed with the base substrate so as to prevent the lamp from moving in a longitudinal direction of the lamp of Claim 18.

It is alleged in the Office Action that the structure of Altman *as a whole* including the lamp holder 15, lamp terminal 17, channel 14 and output inductor 28 prevent the lamps from moving in a longitudinal direction. However, as discussed above, Claim 18 recites a fixing protrusion integrally formed with the base substrate so as to prevent the lamp from moving in a longitudinal direction of the lamp. Applicant respectfully requests further clarification how the output terminal 28 specifically, as being part of the printed circuit board 27, prevents the lamp from moving in a longitudinal direction as claimed.

As discussed above, Altman does not *teach or suggest all of the limitations of* Claim 18. Thus, *prima facie* obviousness does not exist regarding Claim 18 with respect to the Altman patent.

Additionally, since Altman fails to teach or suggest all of the limitations of Claim 18 references to disclose the claimed invention, clearly, one of ordinary skill at the time of Applicant's invention would not have a motivation to modify or combine the references, nor a reasonable likelihood of success in forming the claimed invention by the Examiner's modifying or combining the references. Thus, here again, *prima facie* obviousness does not exist. *Id.*

Thus, the requirements of *prime facie* obviousness are not met by the Examiner's 35 U.S.C. 103(a) rejection of Claim 18. Applicant respectfully submits that Claim 18 is not further rejected or objected and is therefore allowable. Claim 18 depends from Claim 18. Accordingly, Claim 19 is correspondingly allowable as depending upon allowable Claim 18. Reconsideration, withdrawal of the relevant rejections and allowance of Claims 18 and 19 is respectfully requested.

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Allowable Subject Matter

Applicant gratefully acknowledges the Examiner's noting allowable Claims 1-17 and 21-26. Applicant further gratefully acknowledges the Examiner's noting the allowable subject matter in Claim 20, but Applicant respectfully submits that independent Claim 18, from which claim 20 variously depends, is novel and non-obvious over Altman, as discussed above. As such, Applicant has not rewritten Claim 20 in independent form at this time.

Conclusion

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicant's attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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